HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.1642 of 2007

Dated 28th Day of August, 2007

Between:

Thallapally Laxman ..
Petitioner

And

The Inspector of Police,
Mancherial Police Station,
Adilabad District
and four others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 2nd respondent-Sub-Divisional Police Officer in not investigating Cr.No.548 of 2006 of Mancherial Police Station properly and not including the names of 4th and 5th respondents in the crime, as arbitrary and illegal.

The main grievance of the petitioner is that though Crime No.548 of 2006 was registered against the 2nd respondent for the offences punishable under Sections 336, 368, 376 IPC and Section 3(1)(xii) of SCs., S.Ts. (P.O.A.) Act, 1989, there is no justification in not completing the investigation and though serious allegations are levelled against 4th and 5th respondents, their names are not included in the F.I.R.

The 2nd respondent has filed counter affidavit stating that on receipt of a complaint lodged by the petitioner that his daughter, who is aged 13 years and studying VIII class, did not return home from school, he registered Crime No.548 of 2006 and took up investigation. During the course of investigation, when it was informed that the victim girl arrived home, the 2nd respondent went and recorded her statement and the girl was referred to a Lady Medical Officer, Government Area Hospital, Mancherial for examination of her sexual exploitation. After completing the investigation, final report and charge sheet were filed against the accused i.e. Chepurusetti Satish.

Heard the learned counsel for both the parties and perused the material placed on record.

I am not inclined to express any opinion whether the accused and the victim girl fell in love with each other and the consent of the girl for sexual intercourse amounts to rape or not. All these matter are to be decided by the trial Court. The only grievance nurtured by the petitioner is that investigation is not yet completed. But, as per the counter affidavit filed by the 2nd respondent, the investigation was already completed and the charge sheet was also filed on 30.6.2007. Hence, this Court is of the considered opinion that in the light of the averments made in the counter affidavit, no further orders are required to be passed in this writ petition.

In the result, the writ petition is closed. No costs.

_____

28.08.2007

bcj